

31. **(Currently Amended):** The radioligand as in claim 26 wherein the alkyl moiety ~~includes is~~ ((1R,2S,5R)-2-isopropyl-5-methyl-cyclohexyl)-.

32. **(Previously Presented):** The radioligand as in claim 26 wherein the radioligand is 2-Isopropyl-5-methyl-cyclohexanecarboxylic acid (3-¹⁸fluoro-4-methoxy-phenyl)-amide.

33. **(Previously Presented):** The radioligand as in claim 26 wherein the radioligand is 2-Isopropyl-5-methyl-cyclohexanecarboxylic acid (2-acetyl-4-¹²⁵iodo-phenyl)-amide.

34. – 35. **Cancelled.**

REMARKS

In the outstanding Office Action, Applicant notes with appreciation that the examiner has allowed claims 11 – 16 as being free of the prior art of record. However, the examiner noted that two literature documents listed on sheet two of the Information Disclosure submitted December 19, 2005 (Tsavaler et al and McKemy et al) were not present during examination. Applicant does wish these documents to be considered, and resubmits them for consideration.

In the prior Office Action, the examiner had made a restriction requirement and required an election of species. Applicant elected with traverse radioligands wherein the alkyl moiety is a cyclohexane or a composition as set forth in independent claim 11. The examiner has made the restriction requirement final, and applicant has been requested to cancel the non-elected subject matter. Applicant understands this request to mean that his claims should be amended so as to be restricted to the cyclohexane radical, and has accordingly amended claims 1, 5, 11, 13, 23. Also in view of the restriction requirement

applicant acknowledges that claims 17 – 22 are withdrawn from consideration. However, the examiner stated that applicant's process or use claims 9, 10, 23 (and the dependent claim 25) should also be withdrawn from consideration. In doing so, the examiner has stated on page 3 of the Office Action “Applicant asserted the instant invention does not disclose any process claims...” Applicant believes that the examiner has **misread** his earlier statement and clarifies his earlier remarks as follows.

In his earlier response to the restriction requirement, Applicant had said he was only presenting product claims in his **new** claims. (Those new claims were 34 – 35). Applicant continued by stating his belief that when a product claims were subsequently found allowable, then process claims that depend from or otherwise included limitations of the patentable product would be entered as a matter of right if timely presented.

Accordingly, Applicant has **not** indicated method claims 9, 10, 23 and 25 as being withdrawn from consideration in this response. In view of the above explanation, the examiner is requested to acknowledge the allowability of claims 9, 10, 23 and 25, together with the other pending claims in this application.

The examiner has rejected claims 34 and 35 under 35 USC 11, first paragraph. Applicant has cancelled these claims.

The examiner made several 35 USC 112 second paragraph rejections in his paragraph 8, which are discussed below.

In paragraph 8 the examiner objected to certain language in claims 1-5, 7 and 8. Applicant has amended those claims to delete the objected-to language.

In paragraph 8 the examiner questioned use of the “R-“ in claim 5 and in claim 30, 34 and 35. The amendments make this objection moot.

In paragraph 8 the examiner has found claims 8 and 26-33 ambiguous as containing improper Markush terminology. Applicant was not trying to use Markush terminology; however, the amendments should overcome the examiner's concerns.

Accordingly, all the claims shown as previously pending or amended should be in a condition for allowance. Applicant will cancel those claims shown as withdrawn (17-22) when allowability of case with the remaining claims and acknowledgement of the two art documents has been received. (Applicant is submitting herewith an information disclosure statement together with copies of the two cited references.)

Applicant would appreciate an early indication of allowance; towards that end, applicant invites the examiner to phone him if any questions remain or if a telephone interview might expedite this case.

Respectfully submitted,

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